

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:19-CV-405-FDW-DCK \*SEALED\***

**UNITED STATES OF AMERICA and THE  
STATE OF NORTH CAROLINA *ex rel.*  
HEATHER COLEMAN,**

**Plaintiffs,**

**v.**

**FAMILY FIRST HOME HEALTH CARE  
LLC, and MARION JAMES,**

**Defendants.**

**ORDER**

**THIS MATTER IS BEFORE THE COURT** on “The United States And State Of North Carolina’s Joint Notice Of Election To Intervene In Part And To Decline To Intervene In Part And Motion To Unseal Complaint” (Document No. 34) filed September 12, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, and in consultation with Judge Whitney’s chambers, the undersigned will grant the motion to unseal.

The United States and State of North Carolina (“the Governments”), have provided notice that they will intervene in part of this action and decline to intervene in part of this action pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(2) and (4), and the North Carolina False Claims Act, N.C.G.S. §§ 1-608(b)(2) and (4). (Document No. 34).

**IT IS, THEREFORE, ORDERED** that “The . . . Motion To Unseal Complaint” (Document No. 34) is **GRANTED**. The Relator’s “Complaint...” (Document No. 2) and “Amended Complaint...” (Document No. 5), the Governments’ “...Joint Notice Of Election To

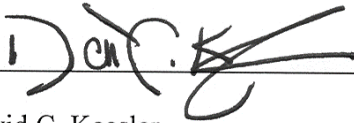
Intervene In Part And To Decline To Intervene In Part ...” (Document No. 34), and this Order shall be **UNSEALED**.

**IT IS FURTHER ORDERED** that:

1. the Governments shall file their Complaint within **sixty (60) days**, and serve the Complaint, together with this Order, pursuant to the Federal Rules of Civil Procedure;
2. the Relator shall serve her Amended Complaint upon Defendants within **sixty (60) days**;
3. all other papers or Orders on file in this matter shall remain under seal;
4. the seal shall be lifted on all other matters occurring in this action *after* the date of this Order;
5. as to the part of the action in which the Governments have declined to intervene, the parties shall serve all pleadings and motions filed in that part of the action, including supporting memoranda, upon the Governments, as provided for in 31 U.S.C. § 3730(c)(3) and N.C. Gen. Stat. § 1-609(f). The Governments may order any deposition transcripts and are entitled to intervene in that part of the action, for good cause, at any time;
6. all orders of this Court shall be sent to the Governments; and
7. should the Relator or Defendant(s) propose that the part of the action in which the Governments have declined to intervene be dismissed, settled, or otherwise discontinued, the Relator or Defendant(s) shall confer with counsel for the Governments and inform the Court whether the Governments have provided written consent to the proposal.

**SO ORDERED.**

Signed: September 12, 2022

  
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David C. Keesler  
United States Magistrate Judge

